

1 Steve W. Berman (*pro hac vice*)
2 HAGENS BERMAN SOBOL SHAPIRO LLP
3 1918 Eighth Avenue, Suite 3300
4 Seattle, WA 98101
5 (206) 623-7292
6 steve@hbsslaw.com

7 Annika K. Martin (*pro hac vice*)
8 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
9 250 Hudson Street, 8th Floor
10 New York, NY 10013
11 (212) 355-9500
12 akmartin@lchb.com

13 Daniel C. Girard (SBN 114826)
14 GIRARD SHARP LLP
15 601 California Street, Suite 1400
16 San Francisco, California 94108
17 (415) 981-4800
18 dgirard@girardsharp.com

19 *Interim Class Counsel and Plaintiffs' Executive Committee*
20 *[Additional Counsel Listed on Signature Page]*

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA
23 WESTERN DIVISION

No. 2:18-cv-04258-SVW

24 **IN RE USC STUDENT**
25 **HEALTH CENTER**
26 **LITIGATION**

[consolidated with No. 2:18-cv-04940-SVW-GJS, No. 2:18-cv-05010-SVW-GJS, No. 2:18-cv-05125-SVW-GJS, and No. 2:18-cv-06115-SVW-GJS]

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
APPOINTMENT OF SPECIAL
MASTER**

Date: April 1, 2019

Time: 1:30 p.m.

Ctrm: 10A

Hon. Stephen V. Wilson

**NOTICE OF MOTION AND MOTION FOR
APPOINTMENT OF SPECIAL MASTER**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that on April 1, 2019 at 1:30 p.m. or as soon thereafter as counsel may be heard, before the Honorable Stephen V. Wilson, in Courtroom 10A of the United States Courthouse, located at 350 W. 1st Street, 10th Floor, Los Angeles, California, Plaintiffs will and hereby do move the Court to appoint a special master pursuant to Federal Rule of Civil Procedure 53 to oversee the claim administration process in the proposed class action settlement agreement, including reviewing and evaluating claim submissions.

This motion is made following the conference of counsel pursuant to L.R. 7-3. This motion is based on this Notice of Motion and Motion, the concurrently filed Memorandum, Declarations, and exhibits thereto, the pleadings and papers on file, and upon such other matters as may be presented to the Court at the time of any hearing.

DATED: February 12, 2019.

Respectfully submitted,
HAGENS BERMAN SOBOL SHAPIRO
LLP

By /s/ Steve W. Berman

Steve W. Berman
Shelby R. Smith
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Tel.: 206-623-7292
Fax: 206-623-0594
Email: steve@hbsslaw.com
Email: shelby@hbsslaw.com

Elizabeth A. Fegan
Emily Brown
HAGENS BERMAN SOBOL
SHAPIRO LLP
455 N. Cityfront Plaza Dr., Suite 2410
Chicago, IL 60611

Telephone: 708-628-4949
Facsimile: 708-628-4950
Email: beth@hbsslaw.com
Email: emilyb@hbsslaw.com

Jonathan D. Selbin
Annika K. Martin
Evan J. Ballan
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Tel.: (415) 956-1000
Fax: (415) 956-1008
Email: jselbin@lchb.com
Email: akmartin@lchb.com
Email: eballan@lchb.com

Daniel C. Girard
Elizabeth A. Kramer
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, California 94108
Tel.: (415) 981-4800
Fax: (415) 981-4846
Email: dgirard@girardsharp.com
Email: ekramer@girardsharp.com

*Plaintiffs' Executive Committee and
Interim Class Counsel*

Joseph G. Sauder
SAUDER SCHELKOPF LLC
555 Lancaster Avenue
Berwyn, Pennsylvania 19312
Tel: (610) 200-0580
Fax: (610) 727-4360
Email: jgs@sstriallawyers.com

Jonathan Shub
KOHN SWIFT & GRAF, P.C.
1600 Market Street

Suite 2500
Philadelphia, PA 19103-7225
P: 215-238-1700
F: 215-238-1968
E: jshub@kohnswift.com

Proposed Additional Class Counsel

MEMORANDUM IN SUPPORT OF MOTION FOR APPOINTMENT OF SPECIAL MASTER

I. INTRODUCTION

Plaintiffs submit this memorandum in support of their motion for appointment of a special master. The Parties have entered into a proposed class action settlement agreement (the “Settlement”), and seek the Court’s preliminary approval by motion filed contemporaneously with this one. The Settlement provides for the Court to appoint an independent special master to oversee the claim administration process, including reviewing and evaluating claim submissions. Settlement Agreement (“Agmt.”) § 7.1.

Plaintiffs hereby respectfully request that the Court appoint a special master pursuant to Federal Rule of Civil Procedure 53 for the purposes set forth in the Settlement.

II. LEGAL STANDARD

Fed. R. Civ. P. 53(a)(1)(A) permits a court to appoint a special master to “perform duties consented to by the parties.” Additionally, a court can appoint a special master to “address pretrial and posttrial matters that cannot be effectively and timely addressed” by the court. Fed. R. Civ. P. 53(a)(1)(C). “It is within a district court’s discretion to appoint a special master, and to decide the extent of the duties of a special master.” *In re Hanford Nuclear Reservation Litig.*, 292 F.3d 1124, 1138 (9th Cir. 2002).

Courts have a “long tradition, with its roots in equity, of using special masters in post-judgment proceedings.” *Cordoza v. Pac. States Steel Corp.*, 320 F.3d 989, 995 (9th Cir. 2003) (collecting cases). Courts frequently use special masters to oversee, administer, and allocate class action settlement claims. *E.g.*, *Friedman v. Guthy-Renker, LLC*, No 2:14-cv-06009-ODW, 2017 WL 6527295 (C.D. Cal. Aug. 21, 2017) (using special master to “analyze and value” class member claims in two-tiered settlement); *In re Am. Honda Motor Co., Inc.*, MDL

No. 06-1737-CAS, 2009 WL 1204495 (C.D. Cal. Apr. 17, 2009) (using special master to oversee settlement fund and review and evaluate claim forms).

Given the sensitive nature of allocating compensation equitably amongst class members in settlements involving sexual abuse, courts have found the use of special masters particularly appropriate in this context. *See, e.g., Anderson v. Chesley*, No. 2:10-116-DCR, 2010 WL 4736833, at *2 (E.D. Ky. Nov. 16, 2010) (describing use of special masters to administer settlement claims in sex abuse class action in state court); *Jane Doe No. 1 v. Johns Hopkins Hosp.*, Case No. 24-C-13-001041, 2014 WL 5040602 (Md. Cir. Ct. Sept. 19, 2014) (using Hon. Irma Raker as court-appointed adjudicator to in class settlement of claims of surreptitious photographing and inappropriate touching brought by former patients against gynecologist Dr. Nikita Levy and Johns Hopkins University); *Jane Doe 30's Mother v. Bradley*, 64 A.3d 379, 388–89 (Del. Super. Ct. 2012) (using court-appointed adjudicator to administer claims in sex abuse class settlement); *Jane Doe 2 v. The Georgetown Synagogue-Kesher Israel Congregation*, No. 2014 CA 007644 B (D.C. Super. 2018)¹ (same); *Doe v. Potter*, 225 S.W.3d 395 (Ky. Ct. App. 2006) (same).

III. DISCUSSION

As detailed in the contemporaneously filed papers in support of the Motion for Preliminary Approval, the proposed Settlement compensates Class members based on a three-tiered system. Every Class member will receive a guaranteed minimum payment just by virtue of being a Class member (Tier 1)—but every Class member is also eligible to make a claim and receive an award of up to \$250,000 (Tiers 2 and 3). Claims for higher-tier awards will be evaluated based on information submitted by Class members. Claimants who apply for the highest-level (Tier 3) award will also participate in interviews about their experiences with

¹ Opinion attached to Mot. for Preliminary Approval as Ex. 2.

1 Dr. Tyndall.

2 The Settlement provides for the Court to appoint an independent Special
3 Master to oversee this process and allocate the claim awards. Appointing a special
4 master is essential here to ensure equitably allocation of the claim awards among
5 those claimants who submit Tier 2 or Tier 3 claims, while also being sensitive to
6 the needs of trauma victims. As described below, the parties have identified and
7 interviewed two candidates for the Court's consideration.

8 **A. The Special Master's Role.**

9 The Settlement defines "Special Master" as "an independent, mutually
10 agreeable individual with knowledge of and experience with claims of sexual
11 abuse." Agmt. § 7.1.

12 Among other designated responsibilities, the Special Master will assess and
13 adjudicate the Claims Awards for various Tier 2 and Tier 3 Claims. *Id.* In doing so,
14 the Special Master will draw on the assistance and guidance of a team of experts in
15 gynecology, psychology, psychiatry, PTSD, and the unique needs of sexual trauma
16 survivors, and trained specialists who will assist in reviewing claim forms and
17 conducting interviews under the Special Master's supervision. *Id.* § 2.40. In
18 consultation with the parties and her team of experts, the Special Master shall
19 develop the protocols for interviews, claim forms, and other oral or written direct
20 contact with Class members relating to Tier 2 and Tier 3 claims. *Id.*

21 The Special Master will determine whether claimants' claim form or
22 interview is credible; whether the conduct or statement(s) described fall outside the
23 scope of accepted medical standards of care applicable during the relevant time, or
24 the conduct or statements were otherwise actionable; and, based on an assessment
25 of the emotional distress and/or bodily injury to the claimant, the Special Master
26 will recommend a claim award amount. *Id.* §6.4.

27 The Special Master will also personally hear and evaluate the appeals of any
28 claimants who wish to challenge their claim award. The Special Master's decision

1 on appeals will be final. *Id.* §6.6.

2 While she will be assisted by her team of experts and specialists, part of the
3 Special Master’s role will entail direct contact with victims in the form of
4 interviews with claimants. She may also be asked to speak to victims about the
5 Settlement Claims Process, in order to provide a trustworthy “face of the
6 settlement” to reassure victims that they will be treated with compassion and
7 understanding of how difficult it can be for them to talk about their traumatic
8 experiences.

9 The combination of an experienced special master and her team of experts
10 ensures the review and allocation of higher tier claims will be sensitive to the needs
11 of victims of sexual assault and cognizant of the ways in which past trauma affects
12 the ways victims communicate about their traumatic experiences and the impact of
13 those experiences on them, and take those factors into account when performing the
14 analysis necessary to determine damages and allocate consistently and fairly
15 amongst claimants. In other words, these are not your typical claimants, this is not
16 your typical claims program—and the typical claims administration model does not
17 fit.

18 The proposed approach here—the use of an experienced special master
19 assisted by a team of experts—was successfully employed in the *Johns Hopkins*
20 class settlement, using the Hon. Irma Raker as special master.² A similar approach
21 has been used successfully in other sex abuse class settlement claims programs as
22 well. *See, e.g., Bradley*, 64 A.3d at 388–89 (claims reviewed by adjudicator in
23 consultation with pediatrician and child and adolescent psychiatrist); *Georgetown*
24 *Synagogue*, Mot. for Preliminary Approval Ex. 2 (use of physician as “Independent
25 Claims Expert” to administer settlement claims); *Doe v. Potter*, 225 S.W.3d 395
26 (use of “Settlement Master” to evaluate and adjudicate claims).

27
28 ² *Johns Hopkins*, 2014 WL 5040602.

1 **B. The Candidates**

2 Plaintiffs present the following candidates to the Court:

3 **1. Hon. Irma S. Raker**

4 Most recently and most relevantly, Judge Raker served as the Special Master
5 and Claims Adjudicator overseeing and administering the claims process in the
6 \$190 million class settlement of claims of surreptitious photographing and
7 inappropriate touching brought by former patients against gynecologist Dr. Nikita
8 Levy and Johns Hopkins University.³ Of the 14,000 former patients who received
9 notice of the settlement, 9,000 made claims in the settlement.

10 Judge Raker served as an Associate Judge of the District Court of Maryland,
11 Montgomery County from 1980 to 1982, as Associate Judge of the Montgomery
12 County Circuit Court from 1982 to 1993, and on the Maryland Court of Appeals
13 (the state's highest court) from 1994 until her retirement in 2008. Judge Raker now
14 periodically sits on the Court of Special Appeals and the Court of Appeals as a
15 senior judge, and serves as a private arbitrator and mediator.⁴

16 Judge Raker served on the Montgomery County, Maryland, Sexual Offenses
17 Committee, where she was instrumental in developing the "rape kit" and other
18 innovations that the Police Department implemented to better address sexual
19 offenses. In 1977, she served on a statewide task force to rewrite sexual offense
20 laws in Maryland, and contributed heavily to the revised laws, which modernized
21 the laws related to sexual offenses.

22 As a private mediator, Judge Raker successfully mediated to settlement a
23 claim alleging unlawful, surreptitious videotaping of women in a private gym by
24 the security guard. As a prosecutor in the 1970's, Judge Raker screened and
25 evaluated all the sexual child abuse cases in the County and prosecuted many rape

26
27 ³ *Jane Doe No. 1, et al. v. Johns Hopkins Hospital, et al.*, Case No. 24-C-13-001041
(Md. Cir. Ct. 2014).

28 ⁴ See CV of Judge Irma S. Raker, attached as Ex. 1.

1 cases and gang rape cases.

2 In her role as Special Master, Judge Raker oversaw a team of trained
3 specialists who interviewed each of the 9,000 claimants telephonically for 30 to 60
4 minutes each. Judge Raker worked with class counsel and a team of psychology
5 experts to design the interview protocols and claim assessment factors. After all
6 claims were assessed, Judge Raker alone made the allocation decision for each and
7 recommendation to the Court of settlement payments for each claimant, which the
8 Court approved.

9 Judge Raker also created and implemented the appeal process. She
10 personally heard appeals by conducting in-person meetings with claimants who
11 wished reconsideration of their award. This was manageable because fewer than
12 3% of the 9,000 claimants appealed.

13 In addition to speaking directly with victims during the initial allocation
14 process and appeals, Judge Raker also spoke to victims in videos explaining the
15 claims process posted on the settlement web page⁵ and in media appearances to
16 educate and explain the terms of the settlement and the process.

17 Plaintiffs' class counsel from the *Johns Hopkins* case spoke very highly of
18 Judge Raker's work as special master in that case, and strongly recommended her
19 as exceptionally well qualified to serve as Special Master for the USC Settlement,
20 with the experience, skills, and sensitivity to do the job well.

21 Judge Raker's work on the *Johns Hopkins* case is now complete, and she is
22 available and very interested in serving as Special Master here. Judge Raker has no
23 grounds for disqualification under 28 U.S.C. § 455.⁶

24 **2. Hon. Irma E. Gonzalez (Ret.)**

25 Judge Gonzalez was appointed to the United States District Court for the
26 Southern District of California in 1992, serving as Chief Judge from 2005 to 2012.

27 ⁵ See <https://www.drlevyclassaction.com/caseinformation.html>.

28 ⁶ See Raker Decl.

1 Prior to her appointment to the federal bench, Judge Gonzalez also worked as an
2 Assistant U.S. Attorney in the District of Arizona and the Central District of
3 California, as well as an attorney in private practice. She later served as a U.S.
4 Magistrate judge and a San Diego County Superior Court judge. Following her
5 nearly three-decade judicial career, Judge Gonzalez joined JAMS.

6 Judge Gonzalez's JAMS profile⁷ describes her as follows: "Highly regarded
7 among counsel for her fairness and deep knowledge of legal issues, Judge Gonzalez
8 brings an experienced approach to resolving even the most complex and
9 contentious disputes. Her background makes her an ideal arbitrator, mediator, and
10 special master for cases involving a wide range of issues, including business, class
11 action, employment, intellectual property, and securities matters, among others.
12 Judge Gonzalez is also fluent in Spanish."

13 Interim Class Counsel spoke with Judge Gonzalez about the Special Master
14 role in this Settlement, and about her experiences. As an initial matter, Judge
15 Gonzalez indicated she knows and has great respect for the Court. Judge Gonzalez
16 approved many settlement classes during her time on the bench, but she has not
17 overseen a class settlement claims process. As a mediator, Judge Gonzalez has
18 handled claims of sexual harassment and discrimination in the employment context,
19 and in that role interacted with victims of severe emotional distress. Judge Gonzalez
20 said she would be comfortable with the public-facing aspect of being the "face of
21 the settlement" and encouraging Class members to trust the process. Judge
22 Gonzalez is willing and enthusiastic about the opportunity to serve as Special
23 Master, and has no grounds for disqualification under 28 U.S.C. § 455.⁸

27 ⁷ Available at <https://www.jamsadr.com/gonzalez/>.

28 ⁸ See Gonzalez Decl.

1 **IV. CONCLUSION**

2 For these reasons, Plaintiffs respectfully request that the Court issue an order
3 pursuant to Federal Rule of Civil Procedure 53 appointing the Hon. Irma S. Raker
4 or the Hon. Irma E. Gonzalez as Special Master to oversee and adjudicate the
5 Settlement Claims Process in conformance with Sections 6 and 7 of the Settlement.

6
7
8 Dated: February 12, 2019

Respectfully submitted,

9
10 By: /s/ Steve W. Berman

11 Steve W. Berman
12 Shelby R. Smith
HAGENS BERMAN SOBOL
SHAPIRO LLP
13 1301 Second Avenue, Suite 2000
Seattle, WA 98101
14 Tel.: 206-623-7292
Fax: 206-623-0594
15 Email: steve@hbsslaw.com
Email: shelby@hbsslaw.com

16 Elizabeth A. Fegan
17 Emily Brown
HAGENS BERMAN SOBOL
SHAPIRO LLP
18 455 N. Cityfront Plaza Dr., Suite 2410
19 Chicago, IL 60611
Telephone: 708-628-4949
20 Facsimile: 708-628-4950
Email: beth@hbsslaw.com
21 Email: emilyb@hbsslaw.com

22 Jonathan D. Selbin
Annika K. Martin
23 Evan J. Ballan
LIEFF CABRASER HEIMANN &
24 BERNSTEIN, LLP
25 250 Hudson Street, 8th Floor
New York, New York 10010
26 Tel.: (212) 355-9500
Fax: (212) 355-9592
Email: jselbin@lchb.com
27 Email: akmartin@lchb.com
28 Email: eballan@lchb.com

1
2
3 Daniel C. Girard
4 Elizabeth A. Kramer
5 Jordan Elias
6 GIRARD SHARP LLP
7 601 California Street, Suite 1400
8 San Francisco, California 94108
9 Tel.: (415) 981-4800
10 Fax: (415) 981-4846
11 Email: dgirard@girardsharp.com
12 Email: ekramer@girardsharp.com

13
14 *Plaintiffs' Executive Committee and*
15 *Interim Class Counsel*

16 Joseph G. Sauder
17 Matthew D. Schelkopf
18 Lori G. Kier
19 SAUDER SCHELKOPF LLC
20 555 Lancaster Avenue
21 Berwyn, Pennsylvania 19312
22 Tel: (610) 200-0580
23 Fax: (610) 727-4360
24 Email: jgs@sstrialawyers.com
25 Email: mds@sstrialawyers.com
26 Email: lgk@sstrialawyers.com

27 Jonathan Shub
28 KOHN SWIFT & GRAF, P.C.
1600 Market Street
Suite 2500
Philadelphia, PA 19103-7225
P: 215-238-1700
F: 215-238-1968
E: jshub@koh Swift.com

Proposed Additional Class Counsel

EXHIBIT 1

IRMA S. RAKER
191 EAST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850
(240) 777-9330

JUDICIAL EXPERIENCE:

Court of Appeals of Maryland, Judge, 1994-2008; Senior Judge, 2008-Present
Circuit Court for Montgomery County, Associate Judge, 1982-1994
District Court of Maryland, Associate Judge, 1980-1982

LEGAL EXPERIENCE:

Certified Mediator and Arbitrator, 2008-Present
American Arbitration Association, Arbitrator and Mediator, 2015-Present
Sachs, Greenebaum and Tayler, Partner, 1979-1980
State's Attorney's Office for Montgomery County, Assistant State's Attorney, 1973-1979

EDUCATION:

Certified Mediator:

American Bar Association, 2007
Appellate Mediation, Maryland Court of Special Appeals, December 2009-Present

Law School:

Washington College of Law of The American University, Juris Doctor, December 1972

Post-Graduate Studies:

The Hague Academy of International Law, The Hague, Holland, July 1959

Undergraduate Studies:

Syracuse University, Bachelor of Arts, June 1959

BAR MEMBERSHIPS:

Court of Appeals of Maryland, 1973
Court of Appeals of the District of Columbia, 1974
United States District Court for the District of Maryland, 1977
United States Court of Appeals for the Fourth Circuit, 1977

TEACHING ACTIVITIES:

National:

Washington College of Law of The American University, Adjunct Professor, Trial
Practice, 1980-Present
Maryland Judicial Institute, faculty member, 1984-2008

International:

The Court of Bosnia and Herzegovina, Sarajevo, Lecturer, April 2005
Taiwan High Court, Taiwan, Lecturer, May 2001
Consultant at Conference for Newly Independent States, Leiden, The Netherlands,
November 1995

PROFESSIONAL ACTIVITIES:

Senior Judges Committee, Maryland Judicial Conference, 2015-Present
Maryland Access to Justice Commission, Chair, 2008-2014
Maryland Judicial Conference, Judicial Compensation Committee, Chair, 1997-2008
Attorney General's and Lt. Governor's Family Violence Council, 1995
Maryland Special Committee to Revise Article 27, Crimes and Punishment, Annotated
Code of Maryland
Maryland Judicial Conference, Executive Committee, elected to represent Sixth Judicial
Circuit, Legislative Committee, 1985-1989
Commission to Study Bail Bond and Surety Industry in Maryland, appointed by Chief
Judge Murphy to represent Maryland Judicial Conference, 1981
District Court Committee on Criminal Law and Motor Vehicle Matters, Chairperson,
appointed by Chief Judge Sweeney, 1981-1982
Attorney Grievance Commission of Maryland, Inquiry Committee, 1978-1981

Maryland State Bar Association:

Maryland Bar Foundation, Fellow, 1989-Present
Board of Governors, elected 1981, 1982, 1985, 1986, 1990
Standing Committee to Draft Pattern Jury Instructions in Civil and Criminal Cases,
Chair; Sub-Committee to Draft Pattern Instructions in Criminal Cases, Chair, 1980-
2012; Member, 1980-Present
Criminal Law and Practice Section Council, Chair, 1983-1984; Member, 1973-Present;
Section Council Member, 2008, 2011-2013
Montgomery-Prince George's Continuing Legal Education Institute, Inc., Board of
Trustees, 1997
Special Committee on Law Related Education, 1983-2012
Judicial Administration Section Council, Member, 1994
Special Committee on the Centennial of the Maryland State Bar Association, Member,
1994
Judicial Administration Section Council, 1994-1998
Special Committee on Judicial Selection and Tenure, 1979
Special Committee on Environmental Law, 1978-1979
Special Committee on Trial by Jury, 1988-1993
Special Committee on Law Practice Quality, 1989-1992

American Bar Association:

American Bar Association Fellow
Criminal Justice Standards Committee Task Force on Diversion and Special Courts,
Chair, 2006-2010
Criminal Justice Standards Committee, Chair, 2002-2004, Chair, 1995-1996, Member,
1994-1996

Criminal Justice Standards Pretrial Release and Speedy Trial Task Force, 1999-2001
ABA Bar Foundation Fellow, 1994-Present
Criminal Justice Section Council, elected 3-year term, 1997
Criminal Justice Standards Committee Task Force on Trial by Jury and Discovery, 1991-1993
Committee on Rights of Victims in the Criminal Justice System, 1992
Ad Hoc Committee on the Indigent Defense Crisis, 1992-1993
Judicial Division International Courts Committee, 2006

Montgomery County Bar Association:

Bar Leaders, Montgomery County Bar Foundation
Executive Committee, elected 1979-1980
Criminal Law Section, Chairperson, 1978-1979
Ethics Committee, 1977-1978
Nominating Committee, 1977-1978
Circuit Court Committee
Correctional Reform Committee
Committee on Administration of Justice

American Law Institute, elected 1997, Member

American Inns of Court:

Fahy Inn, Executive Committee & Charter Member, 1983-1985
J. Dudley Digges Inn, 1985-2000
Alan J. Goldstein Inn, President, 1995-1996

PUBLICATIONS:

Article, *Fourth Amendment and Independent State Grounds*, 77 MISS. L.J. 401 (2007)
Note, *The New "No-Knock" Provisions and its Effect on the Authority of the Police to Break and Enter*. 20 Am. U. L. Rev. 467 (1970-71)

HONORS:

Simon E. Sobeloff Law Society Sobeloff Award, 2016
Public Justice Center - Access to Justice, 2014
Maryland Bar Foundation, H. Vernon Eney Award, June 2009
Maryland State's Attorney's Association Leadership Award, 2008
American Bar Association, Margaret Brent Women Lawyers of Achievement Award, August, 2007
Lady Justice Award, National Association of Women Judges, District 4, 2007
The Daily Record's Leadership in Law Award, 2001
National Association of Social Workers' Public Citizen of the Year Award, 2001
Certificate of Appreciation presented by Montgomery County Bar Association for contribution to the Mentor-Mentee Program, 2000
Outstanding Jurist Award presented by Montgomery County Bar Association, 2000
Recognized by *The Daily Record* as one of "Maryland's Top 100 Women," 1998, 1999, 2001 and 2003
The Daily Record's Circle of Excellence, 2001

Midwood High School Alumni Association, Lifetime Achievement Award, 1999
Girl Scouts of Central Maryland, Distinguished Women Award, 1999
Montgomery County Bar Association Century of Service Award, 1999
The American University, Washington College of Law Distinguished Alumna Award, 1999
Included in *Women of Achievement in Maryland History*, a historical reference book on extraordinary achievements of women in Maryland American Red Cross, Maryland Chapter, Elizabeth Dole Woman of Achievement Award, 1998
Who's Who in America, *Who's Who in American Law*, *Who's Who of American Women*, *Who's Who in the East*
Syracuse University Alumni Club of Greater Baltimore, Outstanding Alumnus, Spokesperson & Jurist, 1996
Margaret Brent Trailblazers Award presented by The American Bar Association Commission on Women in the Profession and The Women's Bar Association of Maryland, 1995
New York Bar Foundation, Award of Appreciation, 1995
Outstanding Syracuse University Alumna Award in Commemoration of 125th Anniversary of the founding of Syracuse University, 1995
Rita C. Davidson Award, Recipient of Annual Award, Women's Bar Association of Maryland, 1995
Ninth Annual Dorothy Beatty Memorial Award for Significant Contribution to Women's Rights, Women's Law Center, 1994
Robert C. Heeney Award, Recipient of Annual Award, Maryland State Bar Criminal Law Section, 1993
Women Legislators of Maryland, The General Assembly, Citation, in recognition of outstanding contributions to the advancement and welfare of women in Maryland, 1989
Congregant of Excellence, awarded by Adas Israel Men's Club, 1988
"Celebration of Women" Award, Pioneer Women Na'amat Outstanding Service on Behalf of Victims of Family Violence, 1985
Montgomery County Government Certificate of Appreciation and Recognition for contribution to a more responsive approach to the problems of domestic violence, 1983
Montgomery County Government Award for Outstanding Contribution to the Task Force on Battered Spouses, 1982
Montgomery County Government Certificate of Appreciation and recognition for two years of outstanding work to promote the safety and dignity of women as a member of the Montgomery County Sexual Offenses Committee, 1977
Lawyer's Cooperative Publishing Company and Bancroft Whitney awards for highest grade in Torts, Criminal Procedure and Modern Land Transactions, 1971-1973
American University Law Review, Associate Editor, 1972
Lura E. Turley Prize, American University, 1972
Merit Scholarship to Attend Hague Academy of International Law, 1959
Pi Sigma Alpha, National Political Science Honorary, 1958
Deans List, Syracuse University, 1957-1959

PROFESSIONAL ASSOCIATIONS:

American Bar Association, 1974-2013
Maryland State Bar Association, 1973-Present
Montgomery County Bar Association, 1973-Present
Women's Bar Association of Maryland, 1974-Present
Women's Bar Association of the District of Columbia, 1978-Present
National Association of Women Judges, 1980-Present, Maryland Chapter, elected
Treasurer, 1991; elected President, Maryland Chapter, 1994
The International Academy of Trial Judges, 1989-Present
National District Attorney's Association, 1973-1980
Network 2000, 1996-2011
The Women's Forum of Washington, DC, 2004-2012
Cosmos Club, Member, 2008-Present

CIVIC ACTIVITIES:

Washington College of Law, Dean's Advisory Council, Member, 1998-2009
Syracuse University's Maxwell School of Citizenship and Public Affairs Advisory Board,
Member, 1996-2004
Bethesda-Chevy Chase YMCA Committee of Management, 1995-2004
Montgomery County Task Force on Battered Spouses, 1981
Montgomery County Advisory Committee on Environmental Protection, 1980
Montgomery County Crisis Center, Citizens Advisory Board, 1979, 1980
Montgomery County Advisory Committee to County Executive on Child Abuse, 1976-
1977; Battered Spouses, 1977-1978
Montgomery County Sexual Offenses Committee, 1976, 1977
West Bradley Citizens Association, Treasurer, Vice-President, 1964-1968

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

**IN RE USC STUDENT
HEALTH CENTER
LITIGATION**

No. 2:18-cv-04258-SVW

[consolidated with No. 2:18-cv-04940-SVW-GJS, No. 2:18-cv-05010-SVW-GJS, No. 2:18-cv-05125-SVW-GJS, and No. 2:18-cv-06115-SVW-GJS]

**DECLARATION OF THE HON.
IRMA E. GONZALEZ**

1 I, Irma E. Gonzalez, hereby declare as follows:

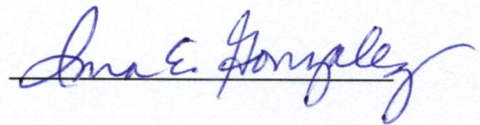
2 1. I served as a District Judge for the United States District Court for the
3 Southern District of California in 1992, and served as Chief Judge from 2005 to
4 2012. I now serve as a private arbitrator and mediator with JAMS.

5
6 2. I have familiarized myself with the issues and persons in the matter captioned
7 *In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW.

8
9 3. I affirm that I have no relationship to the parties, counsel, action, or Court
10 that would require disqualification under 28 U.S.C. § 455, nor is there any other
11 ground under 28 U.S.C. § 455 that would disqualify me from serving as Special
12 Master in this case.

13 4. I declare under penalty of perjury that the foregoing is true and correct.

14
15 Executed on February 5, 2019 in San Diego, California.

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18 Irma E. Gonzalez

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

**IN RE USC STUDENT
HEALTH CENTER
LITIGATION**

No. 2:18-cv-04258-SVW

[consolidated with No. 2:18-cv-04940-SVW-GJS, No. 2:18-cv-05010-SVW-GJS, No. 2:18-cv-05125-SVW-GJS, and No. 2:18-cv-06115-SVW-GJS]

**DECLARATION OF THE HON.
IRMA S. RAKER**

1 I, Irma S. Raker, hereby declare as follows:

2 1. I served as an Associate Judge of the District Court of Maryland,
3 Montgomery County from 1980 to 1982, as Associate Judge of the Montgomery
4 County Circuit Court from 1982 to 1994, and on the Maryland Court of Appeals
5 from 1994 until my retirement in 2008. I am designated to sit on call-back status as
6 a Senior Judge, retired, on the Maryland Court of Appeals and the Maryland Court
7 of Special Appeals.
8

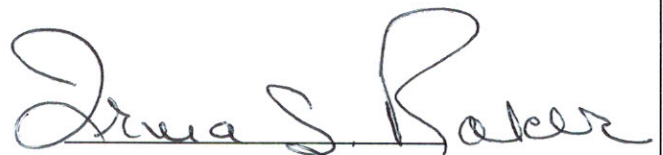
9 2. I now serve as a private arbitrator and mediator.

10 3. I have familiarized myself with the issues and persons in the matter
11 captioned *In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW.
12

13 4. I affirm that I have no relationship to the parties, counsel, action, or
14 Court that would require disqualification under 28 U.S.C. § 455, nor is there any
15 other ground to my knowledge or belief under 28 U.S.C. § 455 that would
16 disqualify me from serving as the Claims Adjudicator and Special Master in this
17 case.
18

19 5. I declare under penalty of perjury that the foregoing is true and correct.
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21 Executed on February 11, 2019 in Bethesda, Maryland.
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25 Irma S. Raker
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

**IN RE USC STUDENT
HEALTH CENTER
LITIGATION**

No. 2:18-cv-04258-SVW

[consolidated with No. 2:18-cv-04940-SVW-GJS, No. 2:18-cv-05010-SVW-GJS, No. 2:18-cv-05125-SVW-GJS, and No. 2:18-cv-06115-SVW-GJS]

**[PROPOSED] ORDER APPOINTING
SPECIAL MASTER**

1 The Court, having reviewed the proposed Settlement submitted by the parties
2 and Plaintiffs' Motion for Appointment of a Special Master,
3

4 1. IT IS HEREBY ORDERED, pursuant to Federal Rule of Civil
5 Procedure 53 and with the consent of the parties, that _____ is appointed
6 Special Master for Settlement and Claims Administration until further ORDER of
7 this Court.
8

9 2. IT IS FURTHER ORDERED that the Special Master shall oversee the
10 claims process set forth in the Settlement and will review and allocate Tier 2 and
11 Tier 3 claims. The Special Master, in consultation with her team of experts, will also
12 develop protocols for claim forms, interviews, and other communications with Tier 2
13 and 3 claimants.
14
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16 3. The Special Master may retain additional individuals with expertise in
17 gynecology, psychology, psychiatry, PTSD, and the unique needs of sexual trauma
18 survivors to assist her in reviewing and processing submitted claims. The Special
19 Master will have discretion to appoint a team as needed to perform her duties,
20 subject to approval of the Court.
21
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23 4. Pursuant to Rule 53(b)(2), the Court hereby directs the Special Master
24 to proceed with all reasonable diligence to perform the duties set forth herein, as well
25 as any additional duties that the Court in its discretion may impose from time to time
26 as necessary by further orders.
27
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1 5. The Special Master shall have the authority to take all appropriate
2 measures to perform the assigned duties fairly and efficiently. To the extent the
3
4 Special Master issues any order, report, or recommendation on any dispute referred
5 to her by the Court or the parties, the Special Master shall comply with all the
6 requirements of Rule 53(d) respecting entry of any such order.
7

8 6. The Special Master may, at any time, communicate *ex parte* with the
9 parties and their counsel for any purpose relating to the duties described herein.
10

11 7. The Special Master may, at any time, communicate *ex parte* with the
12 Court for any purpose relating to the duties described herein.

13 8. Pursuant to Rule 53(b)(2)(C), the Claims Administrator, overseen by the
14 Special Master, shall maintain orderly files relating to the claims adjudication
15 process. The Special Master shall report to the Court as directed by the Court. The
16 Special Master shall file any written orders, findings, and/or recommendations with
17 the Court via the Court's Electronic Case Filing ("ECF") system. Such filing shall
18 fulfill the Special Master's duty to serve her order(s) on the parties pursuant to Rule
19 53(e).
20
21

22 9. Within ten (10) business days of this Order, the Special Master shall
23 hold a conference call with counsel for the parties to discuss the terms of this Order
24 and the process for implementing and overseeing the Settlement claims process.
25
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27 10. The Special Master's team will review all Tier 2 and Tier 3 submissions
28 from Class members, along with the associated documentation. For Tier 3

1 submissions, the Special Master's team will arrange for the claimant to participate in
2 an interview.

3
4 11. The Special Master will determine the appropriate award
5 recommendation for each Tier 2 and Tier 3 claim. The Special Master's award
6 amount may be increased or decreased by pro rata adjustment, as set forth in the
7 Settlement.
8

9 12. The Special Master or her designee will personally hear and evaluate
10 the appeals of any claimant who wishes to challenge her award. The Special
11 Master's decision on appeals will be final.
12

13 13. The Special Master may also undertake other efforts to facilitate the
14 Claim Administration process, including, for example, speaking with victims about
15 the Settlement claims process to reassure individuals that they will be treated with
16 compassion and understanding of how difficult it can be for them to talk about their
17 traumatic experiences.
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20 14. The Special Master may have access to confidential information and/or
21 medical records, including but not limited to, information which is subject to the
22 confidentiality provisions of the Settlement and the Stipulated Protective Order
23 entered by the Court in this case. The Special Master shall be bound by the terms of
24 the Settlement and Stipulated Protective Order.
25
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27 15. The Special Master and her team shall be reasonably compensated for
28 their time and entitled to reimbursement for reasonable expenses related to carrying

1 out the duties set forth in this Order and the Settlement Agreement. The total
2 compensation to the Special Master for performing her duties shall be for an amount
3 to be approved by the Court, plus disbursements for reasonable expenses, such as
4 travel. The Special Master's compensation shall be paid from the Settlement Fund.
5

6 16. Within thirty (30) days of the entry of this Order, the Special Master
7 will submit to the Court for review a proposed plan setting forth compensation for
8 the Special Master. If the Special Master and the Court are unable to agree upon a
9 reasonable compensation plan, the Special Master will not be obligated to accept her
10 appointment under this Order and her appointment will terminate.
11

12 17. Should the initial compensation plan prove unreasonable or inadequate,
13 the Court may, pursuant to Fed. R. Civ. P. 53(g)(1), set a new basis and terms for
14 additional compensation after giving notice to the parties and an opportunity to be
15 heard.
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1 18. It is understood that additional costs are expected to be incurred during
2 the course of the Allocation process. These costs may include, but are not limited to,
3 administrative expenses, hearing rooms, court reporters, translators, administrative
4 assistants, experts, travel, and additional professional and adjudication expenses.
5 These costs are unknown at this time and shall be submitted to the Court separate
6 and apart from the Special Master's compensation. These costs will be submitted to
7 the Court periodically, and will be paid by the Settlement Fund after approval of this
8 Court.
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12 **IT IS SO ORDERED.**
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14 Dated: _____

15 STEPHEN V. WILSON
16 UNITED STATES DISTRICT JUDGE
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